

Research and Special Programs Admin., DOT

§ 171.10

to or by the lessee, and where the lessor otherwise exercises no control over or responsibility for the trackage or the cars on the trackage.

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Secretary means the Secretary of Transportation.

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Storage incidental to movement means storage of a transport vehicle, freight container, or package containing a hazardous material by any person between the time that a carrier takes physical possession of the hazardous material for the purpose of transporting it until the package containing the hazardous material is physically delivered to the destination indicated on a shipping document, package marking, or other medium, or, in the case of a private motor carrier, between the time that a motor vehicle driver takes physical possession of the hazardous material for the purpose of transporting it until the driver relinquishes possession of the hazardous material at its intended destination and is no longer responsible for performing functions subject to the HMR with respect to that particular package. *Storage incidental to movement* includes rail cars containing hazardous materials, even if they have been delivered to the destination indicated on the shipping document, except those stored on private track.

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Transloading means the transfer of a hazardous material at an intermodal transfer facility from one bulk packaging to another for purposes of continuing the movement of the hazardous material in commerce.

Transportation or *transport* means the movement of property and loading, unloading, or storage incidental to that movement.

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Unloading incidental to movement means removing a packaged or containerized hazardous material from a transport vehicle, aircraft, or vessel or, for a bulk packaging, emptying a hazardous material from the bulk packaging after the hazardous material has been delivered to the consignee and prior to the delivering carrier's departure from the consignee's facility or premises or, in the case of a private motor carrier, while the driver of the motor vehicle from which the hazardous material is being unloaded immediately after movement is completed is present during the unloading operation. (Emptying a hazardous material from a bulk packaging while the packaging is on board a vessel is subject to separate regulation as

delegated at §1.46(t) of this title.) *Unloading incidental to movement* includes transloading.

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§ 171.9 Rules of construction.

(a) In this subchapter, unless the context requires otherwise:

(1) Words imparting the singular include the plural;

(2) Words imparting the plural include the singular; and

(3) Words imparting the masculine gender include the feminine;

(b) In this subchapter, the word: (1) "Shall" is used in an imperative sense;

(2) "Must" is used in an imperative sense;

(3) "Should" is used in a recommendatory sense;

(4) "May" is used in a permissive sense to state authority or permission to do the act described, and the words "no person may * * *" or "a person may not * * *" means that no person is required, authorized, or permitted to do the act described; and

(5) "Includes" is used as a word of inclusion not limitation.

[Amdt. 171-32, 41 FR 15996, Apr. 15, 1976, as amended by Amdt. 171-32A, 41 FR 40630, Sept. 20, 1976; Amdt. 171-121, 58 FR 51528, Oct. 1, 1993]

§ 171.10 Units of measure.

(a) *General.* To ensure compatibility with international transportation standards, most units of measure in this subchapter are expressed using the International System of Units ("SI" or metric). Where SI units appear, they are the regulatory standard. U.S. standard or customary units, which appear in parentheses following the SI units, are for information only and are not intended to be the regulatory standard.

(b) Abbreviations for SI units of measure generally used throughout this subchapter are as shown in paragraph (c) of this section. Customary units shown throughout this subchapter are generally not abbreviated.

(c) *Conversion values.* (1) Conversion values are provided in the following table and are based on values provided in ASTM E 380, "Standard for Metric Practice".